

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GAREN PEARSON,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No.: 3:19-cv-00031-MMD-WGC

**Order**

Re: ECF No. 30

Before the court is Plaintiff's "Request for Summons to be Issued and U.S. Marshal to Execute the Summons for Defendants" (ECF No. 30). Plaintiff requests "summons to be issued for unserved defendants" and states "by information the State of Nevada's Attorney General's Office has the physical last known addresses for defendants E.K. McDaniel, Robert LeGrand, and M. Moore (former LCC mailroom officer)." (*Id.* at 1.)

**BACKGROUND**

On March 10, 2020, the Attorney General's Office filed its Notice of Appearance which stated that service was not accepted on behalf of Defendants E.K. McDaniel, Robert LeGrand, and Michelle Moore who were former employees of the NDOC and the last known addresses for these Defendants would be filed under seal. (ECF No. 10 at 2.)

1 Pursuant to the filing of the sealed addresses for the Defendants (ECF No. 11), the court  
2 informed the Attorney General's Office that the sealed addresses for Defendants E.K. McDaniel,  
3 Robert LeGrand, and M. Moore were all post office boxes and instructed counsel to attempt to  
4 locate the last known physical addresses of these Defendants. (ECF No. 13.)

5 On March 24, 2020, the Attorney General's Office filed their Amended Notice of  
6 Acceptance of Service which stated that "The Office of Attorney General search included reaching  
7 out to State of Nevada Human Resources and to these defendants directly, in an effort to obtain  
8 physical addresses. However, at this time, the OAG's attempts have been unsuccessful. The OAG  
9 will supplement this Notice as circumstances dictate." (ECF No. 16 at 2.)

#### 10 **DISCUSSION**

11 Plaintiff's request for summons contends that the Attorney General's Office is representing  
12 Defendants LeGrand and Moore in other cases and "Eldon K. McDaniel is currently an active  
13 defendant in Case No. 3:18-cv-00426-MMD-CLB, Anderson v. Dzurenda, et al; (see id. ECF Nos.  
14 40 and 42, at page 1)." (ECF No. 30 at 1.)

15 In reviewing Plaintiff's claim that the Attorney General's Office is representing Defendants  
16 E.K. McDaniel, Robert LeGrand, and Michelle Moore in other matters, the court has found the  
17 following:

#### 18 **Defendant E.K. McDaniel**

19 • *Anderson v. Dzurenda, et al.*, Case No. 3:18-cv-00426-MMD-CLB – On May 3,  
20 2019, the Attorney General's Office accepted service on behalf of Defendant  
E.K. McDaniel. (ECF No. 40 at 2.)

21 • *Brand v. Cox, et al.*, Case No. 3:17-cv-00043-MMD-WGC – The Attorney  
22 General's Office represented Defendant E.K. McDaniel up until June 26, 2020. (ECF No.  
175.)

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**Defendant Robert LeGrand**

• *Nasby v. State of Nevada, et al.*, Case No. 3:17-cv-00447-MMD-CLB – On October 25, 2019, Defendant Robert LeGrand was served (ECF No. 64), and on October 31, 2019, the Attorney General’s answered Plaintiff’s complaint on behalf of Defendant LeGrand. (ECF No. 69.)

• *Almy v. Adams, et al.*, Case No. 3:16-cv-00231-MMD-WGC – On February 12, 2019, Defendant LeGrand was served (ECF No. 89), and on February 19, 2019, the Attorney General’s Office answered Plaintiff’s complaint on behalf of Defendant LeGrand, among others. (ECF No. 97.)

**Defendant Michelle Moore**

The court was unable to confirm that the Attorney General’s Office has represented Defendant M. Moore in past or current cases in U.S. District Court.

**CONCLUSION**

**IT IS HEREBY ORDERED** that the Attorney General’s Office shall advise the court **within ten (10) days** from the date of this order the court whether it can accept service for Defendants E.K. McDaniel and Robert LeGrand in this matter. If the Office states it is unable to do so, the Office shall explain in detail its rationale for not accepting service.

**IT IS FURTHER ORDERED** that the Attorney General’s Office shall advise the court **within ten (10) days** from the date of this order whether it is able to find an alternative physical address for Defendant Michelle Moore. If a more current address is secured for this Defendant, the court will direct the U.S. Marshal to again attempt to effect service.

Dated: August 4, 2020.



William G. Cobb  
United States Magistrate Judge